



## 2013 ASSEMBLY BILL 707

1     **AN ACT** *to amend* 813.12 (4) (c) 1., 813.12 (4) (c) 2., 813.122 (5) (d) 1., 813.122 (5)  
2             (d) 2., 813.122 (5) (d) 3., 813.123 (5) (c) 1., 813.123 (5) (c) 2., 813.123 (5) (c) 3. and  
3             813.125 (4) (c); and *to create* 813.12 (4) (d), 813.122 (5) (dm), 813.123 (5) (d) and  
4             813.125 (4) (d) of the statutes; **relating to:** extending the time certain  
5             injunctions remain in effect.

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*Analysis by the Legislative Reference Bureau*

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*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

6             **SECTION 1.** 813.12 (4) (c) 1. of the statutes is amended to read:  
7             813.12 (4) (c) 1. An injunction under this subsection is effective according to its  
8             terms, for the period of time that the petitioner requests, but not more than 4 years,  
9             except as provided in par. (d). An injunction granted under this subsection is not  
10            voided if the petitioner allows or initiates contact with the respondent or by the

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1 admittance of the respondent into a dwelling that the injunction directs him or her  
2 to avoid.

3 **SECTION 2.** 813.12 (4) (c) 2. of the statutes is amended to read:

4 813.12 (4) (c) 2. When an injunction ~~granted for less than 4 years~~ expires, the  
5 court shall extend the injunction if the petitioner states that an extension is  
6 necessary to protect him or her. This extension shall remain in effect until 4 years  
7 after the date the court first entered the injunction, except as provided in par. (d).

8 **SECTION 3.** 813.12 (4) (d) of the statutes is created to read:

9 813.12 (4) (d) 1. A judge or circuit court commissioner may, upon issuing an  
10 injunction or granting an extension of an injunction issued under this subsection,  
11 order that the injunction is in effect for not more than 10 years, if the court finds, by  
12 a preponderance of the evidence stated on the record, that any of the following are  
13 true:

14 a. There is a substantial risk that the respondent may commit first-degree  
15 intentional homicide under s. 940.01, or 2nd-degree intentional homicide under s.  
16 940.05, against the petitioner.

17 b. There is a substantial risk that the respondent may commit sexual assault  
18 under s. 940.225 (1), (2), or (3), or under s. 948.02 (1) or (2), against the petitioner.

19 2. This paragraph does not prohibit a petitioner from requesting a new  
20 temporary restraining order under sub. (3) or injunction under this subsection before  
21 or at the expiration of a previously entered order or injunction.

22 **SECTION 4.** 813.122 (5) (d) 1. of the statutes is amended to read:

23 813.122 (5) (d) 1. An injunction under this subsection is effective according to  
24 its terms, but, except as provided in par. (dm), for not more than 2 years or until the  
25 child victim attains 18 years of age, whichever occurs first.

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**SECTION 5.** 813.122 (5) (d) 2. of the statutes is amended to read:

813.122 (5) (d) 2. When an injunction in effect for less than 6 months expires, the court shall extend the injunction if the petitioner states that an extension is necessary to protect the child victim. This extension shall remain in effect until 6 months after the date the court first entered the injunction or until the child attains 18 years of age, whichever occurs first, except as provided in par. (dm).

**SECTION 6.** 813.122 (5) (d) 3. of the statutes is amended to read:

813.122 (5) (d) 3. If the petitioner states that an extension is necessary to protect the child victim, the court may extend the injunction for not more than 2 years or until the child attains 18 years of age, whichever occurs first, except as provided in par. (dm).

**SECTION 7.** 813.122 (5) (dm) of the statutes is created to read:

813.122 (5) (dm) 1. A judge may, upon issuing an injunction or granting an extension of an injunction issued under this subsection, order that the injunction is in effect for not more than 5 years, if the court finds, by a preponderance of the evidence stated on the record, that any of the following are true:

a. There is a substantial risk that the respondent may commit first-degree intentional homicide under s. 940.01, or 2nd-degree intentional homicide under s. 940.05, against the child victim.

b. There is a substantial risk that the respondent may commit sexual assault under s. 940.225 (1), (2), or (3), or under s. 948.02 (1) or (2), against the child victim.

2. This paragraph does not prohibit a petitioner from requesting a new temporary restraining order under sub. (4) or injunction under this subsection before or at the expiration of a previously entered order or injunction.

**SECTION 8.** 813.123 (5) (c) 1. of the statutes is amended to read:

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1           813.123 (5) (c) 1. An injunction under this subsection is effective according to  
2 its terms, but for not more than 4 years, except as provided in par. (d).

3           **SECTION 9.** 813.123 (5) (c) 2. of the statutes is amended to read:

4           813.123 (5) (c) 2. When an injunction ~~that has been in effect for less than 6~~  
5 ~~months~~ expires, the court shall extend the injunction if the petitioner states that an  
6 extension is necessary to protect the individual at risk. This extension shall remain  
7 in effect until 6 months after the date on which the court first entered the injunction,  
8 except as provided in par. (d).

9           **SECTION 10.** 813.123 (5) (c) 3. of the statutes is amended to read:

10           813.123 (5) (c) 3. If the petitioner states that an extension is necessary to  
11 protect the individual at risk, the court may extend the injunction for not more than  
12 2 years, except as provided in par. (d).

13           **SECTION 11.** 813.123 (5) (d) of the statutes is created to read:

14           813.123 (5) (d) 1. A judge may, upon issuing an injunction or granting an  
15 extension of an injunction issued under this subsection, order that the injunction is  
16 in effect for not more than 10 years, if the court finds, by a preponderance of the  
17 evidence stated on the record, that any of the following are true:

18           a. There is a substantial risk that the respondent may commit first-degree  
19 intentional homicide under s. 940.01, or 2nd-degree intentional homicide under s.  
20 940.05, against the person at risk.

21           b. There is a substantial risk that the respondent may commit sexual assault  
22 under s. 940.225 (1), (2), or (3), or under s. 948.02 (1) or (2), against the person at risk.

23           2. This paragraph does not prohibit a petitioner from requesting a new  
24 temporary restraining order under sub. (4) or injunction under this subsection before  
25 or at the expiration of a previously entered order or injunction.

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**SECTION 12.** 813.125 (4) (c) of the statutes is amended to read:

813.125 (4) (c) An injunction under this subsection is effective according to its terms, but for not more than 4 years, except as provided in par. (d).

**SECTION 13.** 813.125 (4) (d) of the statutes is created to read:

813.125 (4) (d) 1. A judge or circuit court commissioner may, upon issuing an injunction or granting an extension of an injunction issued under this subsection, order that the injunction is in effect for not more than 10 years, if the court finds, by a preponderance of the evidence stated on the record, that any of the following are true:

a. There is a substantial risk that the respondent may commit first-degree intentional homicide under s. 940.01, or 2nd-degree intentional homicide under s. 940.05, against the petitioner.

b. There is a substantial risk that the respondent may commit sexual assault under s. 940.225 (1), (2), or (3), or under s. 948.02 (1) or (2), against the petitioner.

2. This paragraph does not prohibit a petitioner from requesting a new temporary restraining order under sub. (3) or injunction under this subsection before or at the expiration of a previously entered order or injunction.

**SECTION 14. Initial applicability.**

(1) This act first applies to injunctions issued or extended on the effective date of this subsection.

(END)